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(702) 382-2600  
*Attorneys for Debtor(s)*

E-FILED: 02/27/2014

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

In the matter of:	)	Case No:	BK-13-19827-mkn
	)	Chapter	13
Sandra L. Macias	)		
	)		
Debtor(s).	)	Date:	February 20, 2014
	)	Time:	3:15 p.m.
	)	Trustee:	Kathlee A. Leavitt


**NOTICE OF ENTRY OF  
ORDER GRANTING MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE  
AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY  
THE RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO  
LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY**

**NOTICE IS HEREBY GIVEN** that the above-referenced Order was entered by this Court on the 24<sup>th</sup> day of February, 2014. A copy of said Order is attached hereto as Exhibit 1 and incorporated herein by reference.

Dated this 27<sup>th</sup> day of February, 2014.

Submitted By:

/s/ David M. Crosby, Esq.  
David M. Crosby, Esq.  
Troy Fox, Esq.  
Attorneys for Debtor(s)

  
Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
February 24, 2014

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(702) 382-2600  
Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA

In the matter of:

SANDRA L. MACIAS

Debtor.

Case No: BK-13-19827-mkn  
Chapter 13

Date: February 20, 2014  
Time: 3:15 p.m.  
Trustee: Kathleen A. Leavitt

**ORDER GRANTING MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE AND  
AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE  
RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO LIENHOLDERS'  
PROOF(S) OF CLAIM, IF ANY**

THIS MATTER having come before the Court for a hearing on February 20, 2014, on Debtor's MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE RIGHTS OF LIENHOLDERS AND OBJECTION TO LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

1. The Debtor's principal residence located at 880 Mantis Way, Unit 2, Las Vegas, NV 89110, APN: 140-30-310-016 (the "Subject Property") is valued at \$46,688.00 as of the date of Debtor's Chapter 13 Petition.

**EXHIBIT** 1

1       2.     The Subject Property is collateral for a senior secured claim of **SETERUS**  
2       ("Senior Lienholder").

3       ✓     Senior Lienholder has not filed a Proof of Claim related to such debt, and  
4             but mortgage statement claims a debt of \$111,518.92. Senior Lienholder's  
5             claim indicates that Senior Lienholder has assigned account #0764 to this  
6             claim.

7       3.     The Subject Property is also collateral for a junior secured claim of **GREEN**  
8       **TREE SERVICING, LLC as servicer for RBS CITIZENS N.A.** ("Junior  
9       Lienholder").

10      ✓     Junior Lienholder has filed a Proof of Claim related to such claim, and  
11             claims a debt of \$15,028.30. Junior Lienholder has assigned account  
12             #2808 to this debt.

13      4.     That on the filing date of the instant Chapter 13 petition, the claim of junior  
14       lienholder **GREEN TREE SERVICING, LLC as servicer for RBS**  
15       **CITIZENS N.A.** was wholly unsecured and may therefore be avoided as  
16       unsecured consistent with the value of subject real property as determined above  
17       pursuant to 11 U.S.C. Section 506(a) and §1322(b)(2); and

18      5.     The entire junior claim of **GREEN TREE SERVICING, LLC as servicer for**  
19       **RBS CITIZENS N.A.** is properly reclassified as non-priority general unsecured  
20       claim to be paid pro-rata with other non-priority general unsecured creditors  
21       through the Debtor's Chapter 13 plan; and

22      6.     That it is consistent with the above findings that any claims as identified in Proofs  
23       of Claim filed by **GREEN TREE SERVICING, LLC as servicer for RBS**  
24       **CITIZENS N.A.** be modified to non-priority general unsecured status to the  
25       extent set forth above.  
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1 THEREFORE, IT IS HEREBY ORDERED THAT:

- 2
- 3 1. The junior claim of **GREEN TREE SERVICING, LLC as servicer for RBS**
- 4 **CITIZENS N.A.** shall be and is herewith avoided and “stripped off” from
- 5 Debtor’s real property identified above upon completion of Debtor’s Chapter 13
- 6 plan and shall henceforth be treated as a “non-priority general unsecured claim”
- 7 pursuant to 11 U.S.C. §506(a);
- 8 2. That any Proof(s) of Claim filed by **GREEN TREE SERVICING, LLC as**
- 9 **servicer for RBS CITIZENS N.A.** shall be conformed to the findings herein as
- 10 non-priority general unsecured to the extent each has been determined herein to be
- 11 unsecured, to be paid pro-rata with other non-priority general unsecured creditors
- 12 through the Debtor’s Chapter 13 plan.
- 13 3. Should Debtor receive a discharge in this case, Junior Lienholder’s shall as soon
- 14 as practicable thereafter take all necessary and appropriate steps to remove its lien
- 15 of record, and to ensure that Debtor’s title to the Subject Property is clear of any
- 16 cloud on title related to Junior Lienholder’s claim. This court hereby reserves
- 17 jurisdiction with respect to any dispute over the actions necessary to comply with
- 18 this paragraph; and
- 19 4. **GREEN TREE SERVICING, LLC as servicer for RBS CITIZENS N.A.**
- 20 shall retain its claim for the full amount under the loan referenced above in the
- 21 event of either dismissal of Debtor’s Chapter 13 case or the conversion of the
- 22 Debtor’s Chapter 13 case to any other Chapter under the United States Bankruptcy
- 23 Code.

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**ALTERNATIVE METHOD RE: RULE 9021**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):


☐ The court has waived the requirement set forth in LR 9021 (b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☐ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014 (g), and that no party has objected to the form or content of the order.

Submitted By:  
CROSBY & FOX, LLC

  
\_\_\_\_\_  
David M. Crosby, Esq  
Troy Fox, Esq.

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**CERTIFICATE OF MAILING**

The undersigned, a Legal Assistant of CROSBY & FOX, LLC hereby certifies that on the 27<sup>th</sup> day of February, 2014, I deposited in the United States Mail, postage prepaid, a true and correct copy of the ***NOTICE OF ENTRY OF ORDER GRANTING MOTION TO VALUE DEBTOR'S PRINCIPAL RESIDENCE AND AVOID WHOLLY UNSECURED LIEN(S) ENCUMBERING SAME, TO MODIFY THE RIGHTS OF LIENHOLDERS AND GRANTING OBJECTION TO LIENHOLDERS' PROOF(S) OF CLAIM, IF ANY*** to the following parties:

SETERUS  
(PROCESSING PAYMENTS)  
P.O. Box 54420  
LOS ANGELES, CA 90054-0420

SETERUS  
(CORRESPONDENCE DEPARTMENT)  
P.O. Box 2008  
GRAND RAPIDS, MI 49501-2008

SETERUS  
(BANKRUPTCY DEPARTMENT)  
P.O. Box 2206  
GRAND RAPIDS, MI 49501-2206

THE CORPORATION TRUST COMPANY OF NEVADA  
Att: Reg. Agt./ SETURUS, INC.  
311 S. DIVISION ST.  
CARSON CITY, NV 89703

GREEN TREE SERVICING  
(PROCESSING PAYMENTS)  
345 ST. PETER ST. L800R  
ST. PAUL, MN 55102

GREEN TREE SERVICING, LLC.  
(CORRESPONDENCE DEPARTMENT)  
7340 S. KYRENE RD. T-120  
TEMPE, AZ 85283

THE CORPORATION TRUST COMPANY OF NEVADA  
Att: Reg. Agt./ GREEN TREE SERVICING, LLC.  
311 S. DIVISION ST.  
CARSON CITY, NV 89703

KATHLEEN A. LEAVITT  
Chapter 13 Trustee  
201 LAS VEGAS BLVD. SO., STE.200  
LAS VEGAS, NV 89101

1 SANDRA L. MACIAS  
2 880 MANTIS WAY, UNIT 2  
3 LAS VEGAS, NV 89110

4 U.S. TRUSTEE  
5 DEPARTMENT OF JUSTICE  
6 300 LAS VEGAS BLVD. SO.  
7 SUITE 4300  
8 LAS VEGAS, NV 89101

9 **SEE ALSO ATTACHED MATRIX**

10 /s/ Miguel A. Martinez

11 A legal assistant for CROSBY & FOX, LLC.  
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Label Matrix for local noticing  
0978-2  
Case 13-19827-mkn  
District of Nevada  
Las Vegas  
Thu Feb 27 09:51:43 PST 2014

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880 Mantis Way  
Unit 2  
Las Vegas, NV 89110-6454

United States Bankruptcy Court  
300 Las Vegas Blvd., South  
Las Vegas, NV 89101-5833

ALFONSO ROSALES-CARRILLO  
880 Mantis Way #2  
Las Vegas, NV 89110-6454

1ST FINANCIAL BANK USA  
Acct No 4453-2630-8503-5499  
P.O. Box 1100  
North Sioux City, SD 57049-1100

American InfoSource LP as agent for  
Midland Funding LLC  
PO Box 268941  
Oklahoma City, OK 73126-8941

Atlas Acquisitions LLC  
294 Union St.  
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CACH, LLC  
Acct No 120007087164  
c/o LAW OFFICE OF JOE PEZZUTO, LLC.  
4013 E. Broadway, Suite A2  
Phoenix, AZ 85040-8818

CACH, LLC  
Acct No File IBC765  
c/o FINANCIAL RECOVERY SERVICES, INC.  
P.O. Box 385908  
Minneapolis, MN 55438-5908

CALVARY SPV I, LLC  
Acct No 14769118  
dba CALVARY PORTFOLIO SERVICES  
500 Summit Lake Dr.  
Suite 4A  
Valhalla, NY 10595-2323

CALVARY SPV I, LLC  
Acct No File # 14553652  
c/o J.C. CHRISTENSEN & ASSOCIATES, INC.  
P.O. Box 519  
Sauk Rapids, MN 56379-0519

CAPITAL ONE AURO FINANCE  
Acct No 4074125  
3905 Dallas Pkwy.  
Plano, TX 75093-7892

CAPITAL ONE AUTO FINANCE  
Acct No 4074125  
P.O. Box 60511  
City of Industry, CA 91716-0511

CITIBANK (SOUTH DAKOTA), N.A.)/SEARS  
Acct No 5049-9401-5151-6282  
c/o MIDLAND CREDIT MANAGEMENT, INC.  
P.O. Box 60578  
Los Angeles, CA 90060-0578

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Acct No 12000708XXXX  
c/o CACH, LLC  
4340 S. Monaco, 2nd Floor  
Denver, CO 80237-3408

CITIBANK SOUTH DAKOTA  
Acct No 854086XXXX  
c/o MIDLAND FUNDING, LLC.  
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San Diego, CA 92123-2255

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Acct No Case # 13C020672  
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Las Vegas, NV 89101-6102

COMENITY BANK  
Acct No 5856372441690804  
P.O. Box 659704  
San Antonio, TX 78265-9704

COMENITY BANK/DRESSBRN  
Acct No 5856372441690804  
P.O. Box 182789  
Columbus, OH 43218-2789

Capital One Auto Finance  
9441 LBJ Freeway, Suite 350  
Dallas, TX 75243-4652

DISH NETWORK  
Acct No 104557XXXX  
c/o AFNY  
P.O. Box 3097  
Bloomington, IL 61702-3097

FIRST TENNESSEE BANK NAT'L ASSOCIATION  
Acct No 10410037  
Attn: Credit Inquiry Dept.  
Knoxville, TN 37995-1501

GE CAPITAL REATIL BANK/JC PENNEY  
Acct No 6008893362992038  
c/o PORTFOLIO RECOVERY ASSOCIATES, LLC.  
P.O. Box 12914  
Norfolk, VA 23541-0914

GE CAPITAL RETAIL BANK/JC PENNEY  
Acct No 6008893362992030  
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120 Corporate Blvd.  
Norfolk, VA 23502-4962

GREEN TREE SERVICING, LLC  
Acct No 896328085  
P.O. Box 6172  
Rapid City, SD 57709-6172

(p)GREENTREE SERVICING LLC  
BANKRUPTCY DEPARTMENT  
P O BOX 6154  
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GREEN TREE SERVICING, LLC.  
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Green Tree Servicing, LLC  
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Recovery Dept. T-120  
Tempe, AZ 85283-4573

HSBC BANK NEVADA  
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P.O. Box 30253  
Salt Lake City, UT 84130-0253



HSBC BANK NEVADA N.A./HOUSEHOLD BANK  
Acct No 14769118  
c/o CALVARY PORTFOLIO SERVICES, LLC.  
P.O. Box 27288  
Tempe, AZ 85285-7288

INTERNAL REVENUE SERVICE  
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Las Vegas, NV 89106-6085

JUSTICE COURT, LAS VEGAS TOWNSHIP  
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REGIONAL JUSTICE CENTER  
200 Lewis Justice Center  
P.O. Box 552511  
Las Vegas, NV 89155-2511

LAS VEGAS ATHLETIC CLUB  
Acct No 472351660XXXX  
c/o QUANTUM COLLECTIONS  
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Las Vegas, NV 89117-4411

LAS VEGAS ATHLETIC CLUB  
Acct No 472351703XXXX  
c/o QUANTUM COLLECTIONS  
3080 S. Durango Dr., Ste. 105  
Las Vegas, NV 89117-4411

MACY'S  
Acct No NV-6526356-MACY  
LAW OFFICE OF  
PALMER, REIFLER & ASSOCIATES, P.A.  
1900 Summit Tower Blvd. Ste. 820  
Orlando, FL 32810-5951

Quantum3 Group LLC as agent for  
Comenity Bank  
PO Box 788  
Kirkland, WA 98083-0788

ROBERT S. QUALEY, ESQ, BAR #3570  
Acct No Case # 13C020672  
DOTSON & QUALEY  
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SEARS/CBNA  
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Sioux Falls, SD 57117-6282

SEARS/CBNA  
Acct No 5121075047617164  
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Sioux Falls, SD 57117-6282

SETERUS  
Acct No 8240764-1  
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Los Angeles, CA 90054-0420

SETERUS, INC.  
Acct No 8240764-1  
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LAS VEGAS, NV 89101-5727

SANDRA L. MACIAS  
880 MANTIS WAY, UNIT 2  
LAS VEGAS, NV 89110-6454

~~The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).~~

GREEN TREE SERVICING, LLC  
Acct No 896328085  
P.O. Box 94710  
Palatine, IL 60094-4710

~~The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.~~

~~(u) FEDERAL NATIONAL MORTGAGE ASSOCIATION~~

~~End of Label Matrix  
Mailable recipients 44  
Bypassed recipients 1  
Total 45~~